

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

SHAWN WAYNE WHATLEY,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 5:12-CV-98 (MTT)
)	
CARL HUMPHREY,)	
)	
Respondent.)	
_____)	

ORDER

Before the Court is Magistrate Judge Charles H. Weigle's Recommendation (Doc. 21) on the Respondent's Motion to Dismiss (Doc. 10) and the Petitioner's Motion to Proceed with Habeas Corpus and subsequent Amended Motion (Docs. 17 and 19). The Magistrate Judge recommends granting the Respondent's Motion and denying the Petitioner's Motions. The Magistrate Judge further recommends dismissing the Petitioner's Petitions seeking habeas corpus relief, because the Petitioner failed to file his petitions within the one-year limitations period. See 28 U.S.C. § 2244(d)(1)(A). Further, the Magistrate Judge found that the Petitioner failed to establish adequate grounds for equitably tolling the limitations period.

The Petitioner objected to the Recommendation. (Doc. 22). Pursuant to 28 U.S.C. § 636(b)(1), the Court has thoroughly considered the Recommendation and Objection, and has made a de novo determination of the portions of the Recommendation to which the Petitioner objects.

The Court accepts and adopts the findings, conclusions and recommendations of the Magistrate Judge. Accordingly, the Respondent's Motion to Dismiss is **GRANTED**

(Doc. 10), the Petitioner's Petitions are **DISMISSED** (Docs. 1 and 8), and any remaining Motions are **MOOT** (Docs. 17 and 19).

SO ORDERED, this 13th day of December, 2012.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT